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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,589	02/11/2004	Andre Stojc	WAB 04024	4945

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EXAMINER

BOSWELL, CHRISTOPHER J

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 02/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/777,589

Applicant(s)

STOJC, ANDRE

Examiner

Christopher Boswell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 11-16, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent Number 6,446,389 to Heffner et al.

Heffner et al. disclose a locking device disposed within a door operator of a passenger transit vehicle door system having a lock bar (80) disposed within a door hanger (figure 2 and 3), the lock bar having a at least one locking cavity (18), a lock shaft (15) disposed within the locking device, a lock actuator assembly (22) rotatably attached on the lock shaft (by way of arm 27) for enabling rotation of the lock shaft, a lock lever (15L and 15R) attached to the lock shaft for engagement with the locking cavity for maintaining the door hanger in a fully locked position, the lock lever movable into an unlock position enabled by the lock actuator, and a lock latch mechanism (30) disposed within a door lock mechanism of a passenger transit door system (10) for maintaining the lock lever in an unlock position and for enabling movement of the door hanger in an opening direction, the lock latch mechanism enables engagement of the lock lever with the locking cavity upon movement of the door hanger in the closing direction (column 5, lines 19-30), as in claim 11.

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Heffner et al. also disclose the lock latch mechanism that enables removal of power from the lock actuator upon rotation of the lock lever from the fully locked position into the unlock position (column 5, lines 31-37), as in claim 12, as well as the lock latch mechanism enables removal of power from the lock actuator prior to enabling a prime mover disposed within the door operator for opening the door attached to the door hanger (column 5, lines 15-17), as in claim 13, as well as the lock lever being mounted about the lock shaft so that gravity tends to move it into the fully locked position (column 6, lines 15-21), as in claim 14, and where the actuator is a solenoid (column 5, lines 31-32), as in claim 15, wherein the solenoid is a non-continuous duty type providing more power to move the lock lever from the fully locked position into the unlock position (column 5, lines 31-37), as in claim 16.

Heffner et al. additionally disclose a locking device disposed within a door operator of a passenger transit vehicle door system having a lock shaft (15) disposed within the locking device, a first lock bar (80L) disposed within the first door hanger, the first lock bar having a first lock cavity (18L), a second lock bar (80R) disposed within the second door hanger, the second lock bar having a second lock cavity (18R) for engagement with the lock lever, a lock lever (15L and 15R) pivotally attached on the lock shaft, the lock lever engaging the first lock cavity and the second lock cavity in the fully locked position (figure 2), a lock actuator assembly (22) pivotally attached to the lock shaft for enabling the lock lever to move from the fully locked position to an unlock position, and a lock latch mechanism (30) disposed within the passenger transit door system (10) for maintaining the lock lever in the unlock position, and for enabling movement of the first door hanger in a first opening direction and the second door hanger in a second opening direction, the lock latch mechanism enabling engagement of the lock lever with the first lock

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cavity and the second lock cavity in the fully locked position upon movement of the first , door hanger in a first closing direction and the second door hanger in a second closing direction (column 5, lines 19-30), as in claim 19.

Heffner et al. further disclose a manual release lever (47) connected to the lock shaft for manually rotating the lock shaft from the fully locked position into the unlock position and for enabling the lock latch mechanism to maintain the lock lever in the unlocked position for manually moving the first door in the first opening direction and the second door in the second opening (column 6, lines 52-67), as in claims 20 and 21.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heffner, as applied above, in view of U.S. Patent Number 4,198,786 to Monot.

Heffner discloses the invention substantially as claimed. Heffner discloses an actuator used to enabling the lock lever to move from a locking position to unlocking position. However, Heffner does not disclose the actuator being either a pneumatic or hydraulic cylinder. Monot teaches that electro-magnetic, hydraulic and pneumatic actuators are art recognized equivalents (column 1, lines 17-23) in the same field of endeavor for the purpose of displacing a locking bolt in sliding doors for public transportation vehicles. Inasmuch as the references disclose these

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elements as art recognized equivalents, it would have been obvious to one of ordinary skill in the exercise art to substitute one for the other. In re Fout, 675 F.2d 297, 301, 213 USPQ 532, 536 (CCPA 1982).

Response to Arguments

Applicant's arguments filed November 19, 2004 have been fully considered but they are not persuasive. Regarding the argument that Heffner does not disclose a direct attachment of the lock actuator to the lock shaft and a rotation movement of the lock actuator enables rotation of the lock shaft (page 3, lines 5-8 and pages 4-5, lines 24-4, of the remarks), the examiner respectfully disagrees. The actuator assembly of Heffner is directly attached to the lock shaft by means of the unlock arm, wherein the actuator moves the unlock arm downward to cause rotation movement of the lock shaft (column 5, lines 31-37), and thus clearly read on the current application's claims.

Regarding the argument that the present invention recites "a single lock lever", wherein Heffner discloses a pair of lock levers (page 4, lines 15-20, of the remarks). The examiner first points out that in claim 19, lines 17-19, it is recited that "a lock lever pivotably attached on a lock shaft, said lock lever engaging said first lock cavity and said second lock cavity in said fully locked position", wherein there isn't language necessitating only a single lock lever. Given that Heffner discloses a plurality of lock levers, there must be a single lock lever within the lock latch mechanism.

Regarding the argument that Heffner teaches of elements that are not taught by the current invention (page 3, lines 9-18 and page 5, lines 5-13 of the remarks), the applicant is

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reminded of the transitional term used in the independent claims 11 and 19. The transitional term "comprising", which is synonymous with "including," "containing," or "characterized by," is inclusive or open-ended and does not exclude additional, unrecited elements or method steps. "Comprising" is a term of art used in claim language which means that the named elements are essential, but other elements may be added and still form a construct within the scope of the claim. See MPEP §2111.03.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (703) 305-4067.

The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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CJB CB
February 8, 2005